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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,681	03/21/2005	Fabio Vignoli	NL 020892	4641

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EXAMINER	
EMERSON, SHEROD J	
ART UNIT	PAPER NUMBER
2169	
MAIL DATE	DELIVERY MODE
10/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/528,681	VIGNOLI ET AL.	
	Examiner	Art Unit	
	Sherod J. Emerson	2169	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 July 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *24 September 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 3 March 2005 was filed before the mailing date of the first Office action on 11 April 2007. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Response to Amendment

2. Amendment submitted 19 July 2007 has been considered by examiner. Claims 1-12 are pending. Applicants' arguments have been carefully and respectfully considered in light of the instant amendment and are persuasive, except as they relate to the claim rejections under 35 USC 102, as will be discussed below. Accordingly, this action has been made FINAL.

Claim Rejections - 35 USC § 101

3. In view of the Applicant's amendment to claim 12, the pending rejection under 35 U.S.C 101 is withdrawn.

Claim Rejections - 35 USC § 112

4. In view of the Applicant's amendment to claim 8, the pending rejection under 35 U.S.C 112 is withdrawn.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-5 and 7-12. are rejected under 35 U.S.C. 102(e) as being anticipated by Platt(U.S. Patent 6987221).

1. As to claim 1, Platt discloses:

A system for operating with different types of media content (seeds, Abstract, 1-16, defined as audio, video, books, documents, images, etc., column 4, lines 17-20 and column 2, lines 10-23), the system being arranged to enable a user to use a first content of a first type (audio, video, books, documents, images, etc., column 4, lines 17-20 and column 2, lines 10-23), characterized in that the system comprises:

identifying means for identifying that the user concurrently uses a second content of a second

type (column 4, lines 17-20 and column 2, lines 10-23, the media analyzer receives seed items from a user which may be audio, video, books, documents, images, etc.) said second content being unrelated with the first content (col. 4, lines 17-20, the second item may be unrelated audio, video, books, documents, images, etc.), and associating means for associating said second content with the first content (the association of music videos to songs is given as an example, column 8, lines 18-25).

2. As to claim 2, Platt discloses:

The system of claim 1, further comprising storage means arranged to store meta-data comprising information pertaining to said associated first and second content. (metadata store, column 8, lines 46-48; Fig. 8, 840)

3. As to claim 3, Platt discloses:

The system of claim 1, further comprising selection means arranged to select the content. (Abstract, lines 1-3)

4. As to claim 4, Platt discloses:

The system of claim 2, wherein said selection means are further arranged to identify the first content upon selection of the associated second content and/or to identify the second content upon selection of the associated first content, using said information stored in the meta-data. (the selection of songs using the attributes (metadata) of music videos is given as an example, column 8, lines 18-25 and lines 46-48).

5. As to claim 5, Platt discloses:

The system of claim 4, wherein said selection means are further arranged to function as a recommender for recommending the associated first or second content upon a user-operable selection of one of said associated second and first content, respectively, using said selection means. (the recommendation of songs using the attributes (metadata) of music videos is given as an example, column 8, lines 18-25).

6. As to claim 7, Platt discloses:

The system of claim 2, wherein said selection means are further arranged to user-operably modify said meta-data. (column 4, lines 22-36 and lines 46-48)

7. As to clam 8, Platt discloses a system, wherein said identifying means is arranged to identify a user's usage of a third content of one of a second type (audio, video, books, documents, images, etc., column 4, lines 17-20 and column 2, lines 10-23), and at least one other type, said usage being concurrent to said user's usage of the first content (audio, video, books, documents, images, etc., column 4, lines 17-20 and column 2, lines 10-23, association of more than one type of media is disclosed, column 4, lines 12-17), and said third content being unrelated with the first content, and wherein said associating means is arranged to associate said third and first content (audio, video, books, documents, images, etc., column 4, lines 17-20 and column 2, lines 10-23, association of more than one type of media is disclosed, column 4, lines 12-17), the system further comprising rating means arranged to rate said association of the first content with the

second content and/or with the third content. (the media analyzer can identify a plurality (more than two) of "seeds" and associate all of them in some manner, Abstract, 1-16)

8. As to claim 9, Platt discloses:

The system of claim 1, comprising a plurality of devices, each device including output means arranged to output at least one type of the media content, and/or input means arranged to obtain at least one type of the media content. (column 17, lines 5-27).

9. As to claim 10, Platt discloses:

The system of claim 1, wherein said first and second content correspond to video and audio content. (audio, video, books, documents, images, etc., column 4, lines 17-20 and column 2, lines 10-23).

10. As to claim 11, Platt discloses:

A method of operating with different types of media content (seeds, 1-16, defined as audio, video, books, documents, images, etc., column 4, lines 17-20 and column 2, lines 10-23), the method comprising a step of identifying a user's usage of a first content (media analyzer receives seed items and identifies the seed items, column 4, lines 12-22) of a first type characterized in that the method further comprises a step of identifying that the user concurrently uses a second content of a second type (column 4, lines 17-20 and column 2, lines 10-23, the media analyzer receives seed items from a user which may be audio, video, books, documents, images, etc.) said second content being unrelated with the first content (col. 4, lines 17-20, the second item may be unrelated audio, video, books, documents, images, etc.), and a step of associating said second

content with the first content (the association of music videos to songs is given as an example, column 8, lines 18-25).

11. As to claim12, Platt discloses:

A computer readable storage medium storing processing instruction that when executed perform the following:

enabling a user to use a first content of a first type (audio, video, books, documents, images, etc., column 4, lines 17-20 and column 2, lines 10-23); identifying that the user concurrently uses a second content of a second type (audio, video, books, documents, images, etc., column 4, lines 17-20 and column 2, lines 10-23), said content being unrelated with the first content (col. 4, lines 17-20, the second item may be unrelated audio, video, books, documents, images, etc.), and associating said content with the first content. (the association of music videos to songs is given as an example, column 8, lines 18-25, association of more than one type of media is disclosed, column 4, lines 12-17).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

13. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Platt in view of Georges. (US Patent 6392133).

14. As to claim 6, Platt does not disclose:

The system of claim 4, further comprising output means arranged to simultaneously output said associated first and second content.

15. Georges, however, discloses a system for simultaneously outputting a first (audio) and second (video) content(column 1, lines 36-50).

16. It would be obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Platt with the teachings of Georges in order to enhance the functionality of Platts' system and allow the user to output more than one content simultaneously.

Response to Arguments

17. With respect to applicant's argument that, regarding claim 1, "The invention...refers to the ability to play two different types of media simultaneously. As an example, the user can listen to music while watching a movie clip.", is different in disclosure to Platt at column 4,

lines 17-20 and column 2, lines 10-23. (See 4/11/07 Office Action, p. 3). The Examiners respectfully disagrees.

It is the patent offices policy that all claims be read "as broadly as their terms reasonably allow". (MPEP 2111.01 [R-5]). The functionality of the instant invention to "play two different types of media" is not disputed. The claimed functionality, however, can be read broadly to be included by the invention made by Platt, as the invention disclosed by Platt has the capability of playing two different types of media simultaneously via the ability of the invention to play other types of media, eg., movies, songs and documents, allowing the user to select several media items and use more than one instance of the media player disclosed at column 4, lines 4-8 and column 7, lines 51-53, which is a Microsoft media player.

18. With respect to applicant's argument regarding claim 1 having "an associating means for associating said second content with the first content", this limitation is also disclosed in Platt. Platt's system does indeed associate the second content with the first content. Platt's system will allow a user to associate a media, audio and graphic content via generation of a playlist of similar items. The fact that media items of different types belong to the same playlist constitutes the claimed association.

For the reasons cited above the rejection of claim 1 is maintained.

19. With respect to the applicant's apparent argument regarding claim 6, that "neither Platt nor Georges, alone or in combination, teach or suggest the claim 1 Because claim 6 depends from and, therefore, includes all the limitations of claims 1, it is respectfully submitted that this claim is allowable for at least the reasons stated above." The examiner agrees that the prior art, Georges, does not teach claim 1. However, as discussed above, Platt does teach the limitations of claim 1. Claim 6 is taught sufficiently by Platt and Georges in combination by allowing a simultaneous output of associated media contents, video and audio.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherod J. Emerson whose telephone number is 5712701914. The examiner can normally be reached on 8:00AM - 5:00PM Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christian Chace can be reached on 5712724190. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

SJE

09/17/2007

ART UNIT 2169

CHRISTIAN CHACE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

26 September 2007